

of the packages contained 1 pound of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound of butter, whereas each of the packages did not contain 1 pound of butter but did contain a less amount. Misbranding of the said Rose brand butter was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged with respect to the consignment of March 25 for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled "Butter" so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On June 5, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13476. Adulteration of canned cut beans. U. S. v. 503 Cases of Wapco Cut Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 19479. I. S. No. 6261-v. S. No. C-4607.)

On or about January 9, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 503 cases of Wapco cut beans, remaining in the original unbroken packages at Denison, Tex., alleging that the article had been shipped by Appleby Bros., from Westfork, Ark., July 29, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wapco Cut Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 8, 1925, the Waples-Platter Grocery Co., Denison, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13477. Adulteration and misbranding of evaporated apples. U. S. v. 35 Cases of Evaporated Apples. Decree adjudging product adulterated and misbranded and ordering its release under bond. (F. & D. No. 19952. I. S. No. 14970-v. S. No. C-4693.)

On March 31, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases of evaporated apples, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by W. T. Gaylord, jr., Sodus, N. Y., on or about December 2, 1924, and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Choice * * * Evaporated Snow Flake Apples W. T. Gaylord, Jr., Sodus, Wayne County, New York."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser, and in that the product was offered for sale under the distinctive name of another article.

On April 10, 1925, the Rosen-Reichardt Brokerage Co., St. Louis, Mo., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product adulterated and misbranded, and the said claimant having executed a bond in the sum of \$250, conditioned that the product be reconditioned under the supervision of this department, it was ordered by the court that it be released to the claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13478. Misbranding of cottonseed meal. U. S. v. 25 Sacks and 20 Sacks of Cottonseed Meal. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19556, 19557. I. S. No. 21886-v. S. No. C-4626.)

On or about February 9, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 45 sacks of cottonseed meal, in part at Dawn, Ohio, and in part at Versailles, Ohio, consigned by the Platt Oil Co., Memphis, Tenn., about November 3, 1924, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Protein 43 per cent."

Misbranding of the article was alleged in the libels for the reason that the statement "Protein 43 per cent," borne on the labels, was false and misleading and deceived and misled the purchaser.

On May 4, 1925, William P. Heigel, Dawn, Ohio, and Charles A. Heigel, Versailles, Ohio, claimants for respective portions of the product, having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$200, in conformity with section 10 of the act, conditioned in part that it be relabeled satisfactorily to this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13479. Misbranding and alleged adulteration of cottonseed meal. U. S. v. 298 Sacks of Cotton Seed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19558. I. S. No. 22285-v. S. No. E-5123.)

On or about February 13, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 298 sacks of cottonseed meal, remaining in the original unbroken packages at Rural Retreat, Va., alleging that the article had been shipped by the Clayton Oil Mills, from Clayton, N. C., October 15, 1924, and transported from the State of North Carolina into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Good Cotton Seed Meal Ammonia 7% Protein 36% Manufactured by Clayton Oil Mills Clayton, N. C."

Misbranding of the article was alleged in substance in the libel for the reason that the statement "Good Cotton Seed Meal, Ammonia 7%, Protein 36%," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the said statement led the purchaser to believe that the article contained 36 per cent of protein, whereas it contained less than 36 per cent of protein. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

It was further alleged in substance in the libel that the article was adulterated in violation of paragraphs 1 and 2 of section 7 of the said act, in that a substance different (deficient) in protein had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On April 16, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be relabeled by striking out the words from the label "Good," "Ammonia 7%," and "Protein 36%," and that it be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*